

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Hiroyuki TOKUDA, Yasunari KAWASHIMA and Yasuhiro DOI

Serial No.: 10/565,574 Group Art Unit: 1796

Filed: January 23, 2006 Examiner: Sanza L. McClendon

Conf. No.: 2355

For: RADIATION CURABLE RESIN COMPOSITION FOR LENS SHEET AND LENS SHEET

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Sir:

In response to the Office Action mailed May 12, 2009, Applicants respectfully request reconsideration and withdrawal of all grounds of rejection based on the following arguments. Claims 1-11 are pending herein.

As an initial matter, it is noted that both the Final and non-Final boxes were checked on the Office Action Summary page. It is clear from the body of the Office Action and the PTO PAIR system, however, that the pending Office Action is non-final. Although Applicants' undersigned representative left two voicemail messages for the Examiner requesting clarification of this point, those messages were not returned.

Claims 1, 3-6, 10 and 11 were rejected under §102(a) and (e) or, in the alternative, under §103 over Doi et al. (US 2005/0148676); and claims 2 and 7-9 were rejected under §103 over Doi et al. These rejections are respectfully traversed.

On page 2 of the Office Action, the PTO explains why the Doi U.S. publication qualifies as prior art under §102(a) and (e). Both assertions are legally erroneous.

The §102(e) basis is erroneous because the PCT publication from which the Doi U.S. publication originated was published in Japanese. Consequently, the Doi U.S. publication has no prior art effect under §102(e). Moreover, the PTO's point about §102(a) is also erroneous, because the U.S. filing date of a U.S. publication is applicable under §102(e), not §102(a).

In light of the foregoing, the Doi U.S. publication does not qualify as prior art under §102(a) or (e), and thus the rejections should be withdrawn.

Notwithstanding the above, the PCT application from which the Doi U.S. publication originated published on September 25, 2003, which precedes the filing date of the PCT application from which the present application originated (i.e., July 15, 2004). However, the present application also claims priority back to JP 2003-199983, which was filed in Japan on July 22, 2003, which pre-dates the September 25, 2003 publication date of the PCT application from which the Doi U.S. publication originated.

In light of the foregoing, filed herewith is a verified English-language translation of the JP '983 priority application. Applicants respectfully submit that all pending claims are supported by the '983 application. Accordingly, even the publication of the PCT application from which the Doi U.S. publication originated is not prior art with respect to the present application.

Applicants respectfully submit that all pending claims herein are in condition for allowance. Accordingly, the Examiner is requested to issue a Notice of Allowance for this application as soon as possible.

**The Examiner is respectfully requested to confirm receipt and
consideration of the Information Disclosure Statement filed August 28, 2009.**

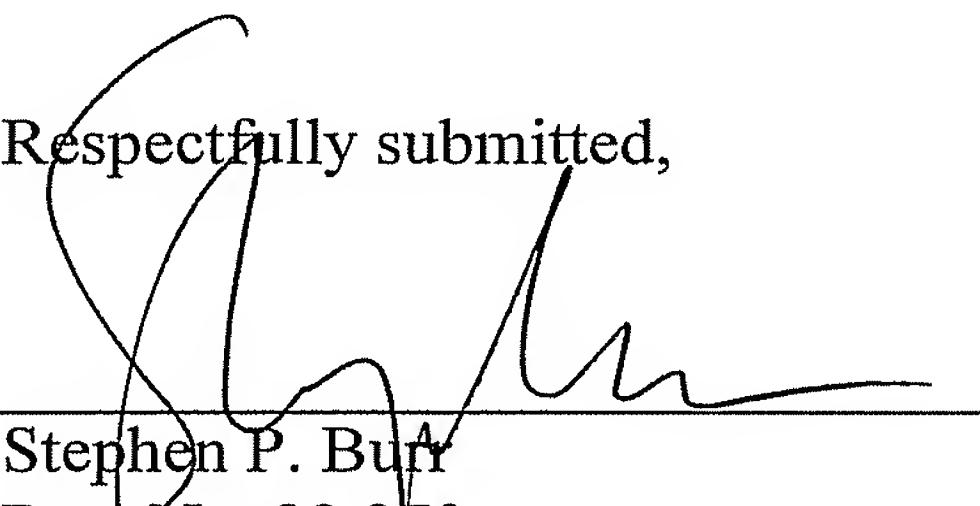
If the Examiner believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, she is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

September 3, 2009

Date

Respectfully submitted,


Stephen P. Burr
Reg. No. 32,970

SPB/tlp

Attachment:

Verified English Translation of JP 2003-119983

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